

The arabo-armenian peace treaty of a. d. 652

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The Armenian, Byzantine and Christian Arab historians report that the Armenians of their own accord broke with the Byzantine Empire and submitted voluntarily to the Arabs¹. We cannot fail to identify this voluntary submission as being the treaty of T'ëodoros Rštuni with Mu'āwiya Ibn Abi Sufyan. Sebēos², the Armenian historian who lived

1. Theophanes, *Chronographia*, ed. C. de Boor, Vol. II, p. 344, under A.M. 6143/A.D. 650-651 says, « In this year Pasagnathes the patrician of Armenia rebelled against the King and made a treaty with Mu'awiya, giving him his son as hostage. » The same is repeated by Aghabyus ibn Qustantin al-Rumial-Manbijji, *Kitab al-'Unwan*, ed. P.L. Cheikho (Beirut, 1907), p. 347. Aghabyus gives the date as being « in the fourth year of 'Uthman » (i.e., in 27/647-648), and the name of the patrician is corrupted and unannotated سبحان A. Vasiliev, in *Patrologia Orientalis*, vol. VIII, Fsc. 3, p. 482 reads it as سبحانطس following the Greek of Theophanes, while Cheikho, on p. 347, n. 2 reads it as Sembad سمباد. There have been a number of attempts to reconcile the statement of Theophanes with that of Sebeos, *Patmut'iwn Sebeosi Episcoposi i Herakln*, ed. K'. Patkanean (St. Petersburg, 1879), p. 138. M. Tchamtchian, *Patmut'iwn Hayoc'* (Venise, 1784-6), vol. II, p. 354 says there was a certain Pasagnathis (Armenian Vasak) who succeeded Mjej Gnuni as Patrician of Byzantine Armenia by the command of the Emperor and later rebelled. This same view is held by H. Ajaryan, *Hayoc' Anznanunneri Bararan* (Ereven, 1962), vol. V, pp. 45-46. P. Peeters, « Pasagnathis — Persogenesis », *Byzantion*, vol. VIII (1933) pp. 405-423, thinks Theophanes has mistakenly used the name of Saborios - Persogenesis in its Syriac form Aprasit'gan and that under Pasagnathis is hidden the name of T'ëodoros Rstuni. Finally, G. Abgaryan, *Sebeosi Patmut'yun* (Ereven, 1965), p. 195, n. 19, accepts the argument put forth by Peeters, but thinks that Pasagnathis is a scribal error for Parabatis which means a transgressor, a traitor. It is certain that Armenia had no patrician called Vasak or Pasagnathis at that time, therefore, we should see in it T'ëodoros Rstuni who was appointed by the Emperor commander of Armenia and subsequently passed to the Arab side.
2. *Patmut'iun Sebeosi Episkoposi i Herakln*, ed. K'. R. Patkanean (St. Petersburg, 1879); Fr. trans. by F. Macler, *Histoire d'Héraclius, par l'évêque Sebëos* (Paris, 1904).

during the seventh century and has recorded the history of the Arab invasions, has preserved for us the text of this treaty in Armenian :

Then the Ishmaelite prince spoke with them saying, 'This will be my peace treaty with you for as many years as you should desire. I will not take tribute from you for three years³; then you will pay according to your oath, as much as you want. You must hold fifteen thousand cavalymen in your country and provide their livelihood from your land, and I shall take account [*angarem*]⁴ in the royal tribute. I do not ask the cavalry [to come] to Syria, but anywhere else I command they should be prepared for action. I will not send *amīrs* into your fortresses, nor any Arab officer from the hosts, not even a single cavalryman. No enemy shall enter Armenia, and if Byzantine forces [*Horom*] should come upon you, I shall send you auxiliary forces as much as you wish. I swear by the great God that I do not lie⁵.

To be able to understand the various clauses of the treaty and the policies pursued by Mu'āwiya in their true historic perspective, we must first see the Arab in his own environment and social background — i.e., in the desert society both before and at the time of the birth of Islam. The social, political, economic and to a certain extent the religious organization of the Caliphate developed in the framework of the desert and remained subservient to bedouin mentality and the structure of pre-Islamic desert society throughout most of the Umayyad Caliphate. Most of Arabia is barren — except in the far south and the north east — and nature is extremely inhospitable in that part of the world. The bedouin living in the desert had a limited means of sustenance and hence was ready to attack to satisfy his basic needs⁶. Besides the few settled communities — such as in Mecca, Yathrib and Tā'if — the social organization centered around the tribe (*al-qabilah*). The tribe was the buttress of life and no one was safe outside it in the desert. Within the tribe the bedouin defended himself and his property against all peril. There existed

3. The constantinople edition of Sebeos printed in 1851, p. 216, has seven years.

4. *Angarem* — not found in *Nor Bargirk Haykazean Lezui*. G. Awetikean, K. Siurmelean and M. Awgerean, 2 vols. (Venice, 1836-7). H. Ajar'ean, *Hayeren Armatakan Bararan* (Erivan, 1926-35), vol. I, pp. 294-5, gives it as « hamarel », « sepel »; Pahlavi *angartan*; Persian انكاشتن *angastan*.

5. Sebeos, p. 138.

6. F. Gabrieli, *The Arabs*, trans. S. Attanasio (New York, 1963), pp. 10 sqq.; P.K. Hitti, *History of the Arabs*, 8th ed. (London, 1964) p. 25.

no police force or prison in the desert for those who trespassed the laws of society; all that was left was the *esprit de corps*, the tribal solidarity (*al-'asabiyyah*), with its laws of protection and vengeance, guided by the principle of *Lex talionis*⁷, of an eye for an eye and a tooth for a tooth. The whole tribe or clan, collectively, was held responsible for the crime of any of its members and had the duty of defending him at all cost⁸.

The tribal organization within itself was a very loose set up of clans and families, wherein unions and splits were easily formed and dissolved. Similarly, tribal confederacies were moulded and subverted in an independent manner because each tribe, however small, was an autonomous political entity. Tribal alliances were formed for economic and defensive reasons, such as, to protect the peace and defend the public interest. There were different kinds of alliances each with its entailing responsibilities and duties. First of all there was the alliance between two equal tribes as confederates (*ḥalīf*) where the parties to the treaty were united with an oath (*ḥilf*); then there was the alliance between two unequal partners on the basis of *clientèle* (*al-mawāla*); and thirdly, there was the alliance of neighbourly protection (*al-ḥiwār*), where a weak tribe asked a mighty neighbouring tribe for protection against a third party. The tribe that asked for protection became the *dhimma*⁹ (protectee) of the *muḥīr* (the one providing the protection). Each partner, however, retained its own internal autonomy and its own religious belief, on condition that the protectee would pay a certain amount of money as tribute according to their ability and the surplus of their property; also in times of crisis, they were to fight along with their protectors against the common enemy¹⁰.

From the above discussion one can see that the peace treaty signed between T'ëodoros and Mu'āwiya was no more than the old Arab Tribal alliance of neighbourly protection (*al-ḥiwār*) with its three basic clauses : of protection, autonomy – including religious freedom – and the payment of an annual tribute. Mu'āwiya, as the *sayyid* of the « mighty neighbour-

7. Exodus 21 : 23-25. Mathew 5 : 38

8. W.M. Watt, *Islamic Political Thought* (Edinburgh, 1968), pp. 6 sq.; Jawad 'Ali, *Tarikh al-'Arab Qable al-Islam* (Beirut, 1970), vo. IV, pp. 313 sq.; vol. V, p. 485; C. Cahen, « The Body Politic », *Unity and Variety in Muslim Civilization*, ed. G.E. von Grunbaum (Chicago, 1955), pp. 132-163; Hitti, *History*, pp. 26 sqq.

9. Watt, *ibid.* pp. 7 sq.; *idem*. *Bell's Introduction to the Qur'an* (Edinburgh, 1970), p.p. 3-8; Jawad 'Ali, *ibid.*, vol. IV, pp. 348-365.

10. See articles 24-35, 37-38, 46 of Muhammad's « Constitution of Medina » in Watt. *Political Thought*, pp. 132 sqq.; cf. R. Levy, *The Social Structure of Islam* (Cambridge, 1957), pp. 272 sqq.

ing tribe », promised protection against any Byzantine encroachment. He promised to safeguard the internal autonomy and religious freedom of Armenia. Furthermore, they were to be free of any Arab garrison; they were to be in control of their own feudal militia and were to fight against Byzantium only when asked to do so. In other words, the internal feudal legal relationships were to remain unchanged. Moreover, the feudal princes were given back most of the privileges they had lost in consequence of the reforms of emperor Justinian. Finally, the Armenians were to pay an unspecified amount of annual tribute following an initial period of three years' tax exemption.

In the peace treaty, as preserved by Sebēos, there is something very odd which has eluded the scrutiny of modern scholars — viz., the meaning of the last clause of the treaty dealing with the question of tribute. F. Macler has translated it into French as follows :

« Je ne léverai aucun tribut sur vous pendant sept ans. Mais, conformément au serment, vous donnerez autant que vous voudrez »¹¹.

Ghazarian, following Hübschmann's translation reads thus :

« Ich werde sieben Jahre lang von euch keinen Tribut erheben. Dann aber werdet ihr dem Eide gemäss soviel geben als ihr wollt »¹².

One must hasten to add that both the French and German translations are faithful renderings of the Armenian original. However, my contention is that the original text of the treaty was not in Armenian but in Arabic, for surely Mu'āwiyā did not sign a paper written in Armenian. The Arabic treaty was subsequently translated into Armenian by either the historian or by some one else, and was incorporated by Sebēos in his history. Furthermore, my contention is that the Armenian version of the peace treaty is a mistranslation of the original Arabic text.

There are some traditions preserved by Arab jurists that shed some light on the amount and manner of tribute to be gathered from the *ahl al-dhimma*. Ibn Ādam has a tradition ascribed to 'Umar ibn al-Khaṭṭāb :

« I commend to the *Khalīfa* after me, that he afford good treatment to the '*Ahl al-Dhimma*, that he keep to the covenant with them, fight those who are after them, and not tax them

11. Macler, *Histoire*, p. 133.

12. H. Hübschmann, *Zur Geschichte Armeniens und der ersten Kriege der Araber*, aus dem armenischen des Sebeos (Leipzig, 1875), p. 30.

above their capacity (tāqah) »¹³.

A second tradition ascribed to 'Alī ibn Abī Tālib reads thus :

« Ali b. Abī Tālib appointed me to supervise Buzurja Sābūr. He said : In collecting *dirhams*, do not flog anyone nor sell his provisions, his winter or summer garments, nor the beasts he works with, and never let a man stand (in the sun) in order to collect *dirhams*. So I said : O Commander of the Faithful ! Then I shall return to you as I left you ! And he replied : Even if you return as you left ! Beware ! we were ordered to take from them the surplus (*al-'afw*), which means 'redundancy' (*al-faḍl*) »¹⁴.

There are two key words in the above quoted passages which indicate the two underlying principles of Arab fiscal policy in general, and of the Arabo-Armenian peace treaty in particular. These are Capacity (*al-tāqah* الطاعة) and Surplus (*al-'afw* العفو). Accordingly, therefore, the first guiding principle was that taxes should not be above the capacity of the people, and the second that only the Surplus or the Redundant Portion was to be taken. Among many others the word '*afw*' has two important meanings : firstly, it means a redundant portion, a surplus, e.g., in Qurān vii, 198, *Khudh al-'afwa* (خذ العفو), « [Take thou, or accept thou,] what is redundant; or accept thou what is easily obtained from the disposition of men. » Secondly, to give spontaneously, without compulsion, e.g., a '*taytuhu 'afwa al-māli* (اعطيه عفو المال). « [I gave him, of the property, that for which he did not ask; or spontaneously;] without being asked »¹⁵.

In the light of the foregoing discussion, it looks as though the Armenian translator of the treaty instead of taking the quantitative mean-

13. Yahya Ibn Adam, *Kitab al-Kharaj*, ed. Th. W. Juynboll (Leiden, 1896), p. 54; trans. into English A. Ben Shemesh, *Taxation in Islam* (Leiden, 1958), vol. I, p. 60; cf. Abu Yusuf Ya'qub Ibn Ibrahim al-Ansari, *Kitab al-Kharaj* (Cairo, 1302/1885), p. 72.

14. Ibn Adam, *ibid*; the last part of the translation I have changed in the light of M.M. Bravmann's article, « The Surplus of Property ». See the following note.

15. E.W. Lane, *An Arabic-English Lexicon* (London, 1824), Bk I, pt. V, p. 2094. See also R. Dozy, *Supplément aux dictionnaires Arabes*, 2ème ed. (Paris, 1927), vol. II, pp. 144 sq.; and Ibn Manzur, *Lisan al-'Arab al-Muhit*, revised by Yusuf Khayyat and Nadim Mar'ashli (Beirut, 1920), Vol. II, pp. 827 sqq. For extensive studies on the word '*Afw*' and its social, political and economic implications see M.M. Bravmann's article, « The Surplus of Property : an Early Arab Social Concept », *Der Islam*, vol. XXXVIII (1963), pp. 28-50; and M.J. Kister, « The Social and Political Implications of Three Traditions in the *Kitab al-Kharaj* of Yahya b. Adam », *Journal of the Economic and Social History of the Orient*, Vol. III (1960), pp. 326-334.

ing of the word 'afw — the only sensible possibility in connection with tax collection —, took its qualitative meaning and understood it to mean « pay... as much as you want », viz., spontaneously. But in the context of a peace treaty what counted was not how one paid the tribute, but how much he paid. Hence, probably the lost Arabic original of this clause read something as follows :

لا آخذ منكم خراجاً لمدة ثلاث سنوات بعدئذ تدفرون العفو بمقتضى صلحكم

I will not take from you tribute for three years; then you shall pay according to your treaty the surplus.

Kister points out that the treaties concluded with the people of Işfahān and Jurjān clearly stated the amount of tribute they were to pay, it was to be according to their ability (*'ala qadrī ṭaqaṭikum*)¹⁶. Thus, the fiscal clause of the Arabo-Armenian peace treaty took into consideration the economic situation within Armenia and limited the exactions to what the people could afford.

16. M.J. Kister, « 'An Yadin (Qur'an, ix/29) », *Arabica*, vol. XI (1964), p. 278; see the treaty of the people of Ruha with 'Iyad Ibn Ghanim, *idem*, « Social and Political Implications », pp. 328 sq.

652 թ.ի ՀԱՅ - ԱՐԱՐԱԿԱՆ ԽԱՂԱՂՈՒԹԵԱՆ ԴԱՇՆԱԳԻՐԸ

ՎԵՐ • ՄԱՆՈՒԷԼ ՅԻՆՊԱՇԵԱՆ

(Ամփոփում)

652 թ.ին Մուսուլիյայի եւ Թեղոքոս Ռշտունիի միջեւ կըն-
ժուած հայ-արաբական խաղաղութեան դաշնագիրը իր էութեամբ
կրկնօրինակն էր հին արաբական միջ-ցեղային՝ դրացիական-պաշտ-
պանութեան աւանդական համաձայնութիւններուն, որոնք գլխաւոր
երեւէ պայմաններ կը բովանդակէին. հովանաւորութիւն, ինքնավա-
րութիւն, որ կ'ընդգրկէր կրօնքի եւ պաշտամունքի ազատութիւնը,
եւ տարեկան հարկային պարտաւորութիւն, որ պայմանաւորուած էր
հարկը վճարողին նիւթական կարողութեամբ :